

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT HOLMES,

Plaintiff,

v.

PEREZ, *et al.*,

Defendants.

Case No. 1:21-cv-01367-NONE-BAM (PC)

ORDER TO SUBMIT APPLICATION TO
PROCEED *IN FORMA PAUPERIS* OR PAY
FILING FEE WITHIN 45 DAYS

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Robert Holmes (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

Plaintiff initiated this action on September 13, 2021, together with a notice regarding payment of the filing fee. (ECF Nos. 1, 2.) In the notice, Plaintiff states that he has authorized his inmate trust account to be charged \$350.00 to pay the full filing fee to the Court for this action. (ECF No. 2.) Plaintiff states that the payment was submitted in a separate mailing which should be received any day now by the Court. (*Id.*)

Plaintiff’s \$350.00 payment has been returned. Plaintiff is informed that the full filing fee amount for civil actions is \$402.00, which is the \$350.00 filing fee plus a \$52.00 administrative fee. Plaintiff must therefore submit the full \$402.00 filing fee amount (no partial payments will be accepted) or submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 Within **forty-five (45) days** of the date of service of this order, Plaintiff shall submit the
3 attached application to proceed *in forma pauperis*, completed and signed, together with a certified
4 copy of his inmate trust account statement, or in the alternative, pay the \$402.00 filing fee for this
5 action. **No requests for extension will be granted without a showing of good cause. Failure**
6 **to comply with this order will result in dismissal of this action.**

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8 IT IS SO ORDERED.

9 Dated: October 13, 2021

/s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE
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